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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/913,560      | 08/15/2001  | Bernhard Lucas       | 1647                | 2388             |

7590 04/11/2003

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/913,560

Applicant(s)

LUCAS ET AL.

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9,12-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9,12-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is the second Office Action for serial number 09/913,560, Mount for Adjustably Positioning a Housing, filed on August 15, 2001. Claims 9, 12-14, 16 and 17 are pending.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Note: Claim 12 has been rejected based on the subcombination of the mount only.*

Claims 9, 12-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art of Figure 1 (APA) in view of U.S. Patent 5,309,780 to Schmitt and further in view of Japanese Patent 01148640 to Kihara. With regards to claims 9, 12-14, 16, and 17, the APA discloses a mount (2) comprising: a base plate (defined by 2 generally) having three adjusting screws (9, 10, unseen screw) mounted therein by plastic inserts (rectangular members adjacent 9 and 10), wherein two of the adjusting screws (10,unseen screw) are located in diagonally opposed corners of the base plate, and the adjusting screws are guided by screw threads in the inserts. The APA does not disclose the adjusting screws including a deflecting linkage. Schmitt teaches a mount (Figs. 2 and 3) comprising: an adjusting screw (30) guided by a self-channeling screw thread (56) in a base housing (26), the adjusting screw (30) provided with a deflecting linkage, the deflecting linkage comprising bevel gears (62, 64), wherein one of the bevel gears (64) is mounted on the adjusting screw (30) and is

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movable and pressable against the other bevel gear (62), a rotary spindle (28) guided on the base housing (26) and turnable (32) in order to turn the adjusting screw (30) to provide an adjustment of a device (22) in contact therewith, the rotary spindle (28) having the other bevel gear (62) mounted thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount of the APA by substituting the adjusting screw arrangement disclosed by Schmitt for the adjusting screws (9, 10, unseen screw) because one would have been motivated to permit a user to control the movement and adjustment of the device from a more conveniently accessible position as taught by Schmitt (col. 1, lines 12-15). The APA in view of Schmitt does not teach the bevel gear (64) being spring biased. Kihara discloses a bevel gear arrangement comprising a first bevel gear (13) being movable and pressable against a second bevel gear (11) by a spring (8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount to include a spring engaged with the bevel gear (64) because one would have been motivated to provide a means for energizing (biasing) the bevel gear in the engaging direction of the other bevel gear (62) as taught by Kihara (see English Abstract).

### ***Response to Arguments***

Applicant's arguments with respect to claims 9, 12-14, 16, and 17 have been considered but are moot in view of the new grounds of rejection.

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**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


2778246 to Thornton; 2785369 to Ligh; 3051020 to Hartupée; 3608684 to Shimanckas; 3815443 to McAninch et al; 4503486 to Makita; 4689725 to Saijo et al; 4712164 to McMahan et al; 4731707 to McMahan et al; 5055095 to Osenbaugh et al; 6192769 to Stark et al; 6367618 to Szuba; 6447154 to Denley; 6450674 to Denley

The above references disclose mounting assemblies relevant to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
4/2/03

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER